

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Crim. No. 07-183 (PAM/FLN)

Respondent,

v.

ORDER

Ismael Ruelas-Mendez,

Petitioner.

This motion is before the Court on Petitioner's Request for Reconsideration of Order Dated August 10, 2009. In its Order of August 10, 2009, the Court denied Petitioner's request for a sentence reduction pursuant to 28 U.S.C. § 2255 because Petitioner had failed show entitlement to relief under section 2255. After the Order was filed, the Court received Petitioner's Reply Memorandum. In his Request for Reconsideration, Petitioner asks the Court to consider his untimely Reply Memorandum, which raises the issue of whether he is entitled to relief under 18 U.S.C. § 3742.

Section 3742 provides for appeal after sentencing. Section 3742 does not apply to Motions, such as Petitioner's, which ask the sentencing court to review a previously imposed sentence. In other words, section 3742 does not confer jurisdiction on this Court to reconsider Petitioner's sentence. Furthermore, for the reasons stated at sentencing and in the Order of August 10, 2009, the Court affirms its denial of Petitioner's Motion to Vacate.

Accordingly, **IT IS HEREBY ORDERED** that Petitioner's Request for

Reconsideration (Docket No. 34) is **DENIED**.

Dated: Thursday, September 3, 2009

s/ Paul A. Magnuson

Paul A. Magnuson

United States District Court Judge